

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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GLOBAL CONTACTS, INC.,

Plaintiff,

against-

PRECISION TUBE CO.

Defendant.

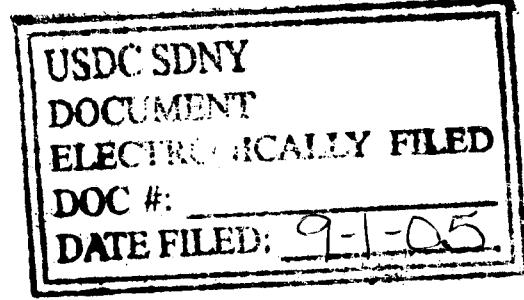
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Hon. HAROLD BAER, JR., District Judge:

WHEREAS, on August 16, 2005, the parties jointly requested the Court "determine who shall pay the expenses reasonably incurred in producing the expert witnesses"; and

WHEREAS, the parties have agreed to reimburse the opposing part for the hourly fees charged by their respective experts for deposition time, but disagree as to travel and accommodation expenses; and

WHEREAS, it is well settled that, in accordance with the Federal Rules of Evidence, "Rule 26(b)(4)(C) permits recovery of fees for an expert's preparation time and travel time in connection with his deposition," Fee v. Great Bear Lodge of Wisconsin Dells, LLC, No. 03 Civ. 3502, 2005 WL 1323162 (D.Minn. Mar. 3, 2005) (citation omitted); see also, Bonner v. Am. Airlines, Inc., 1997 WL 802894, \*1 (S.D.N.Y. Dec. 31, 1997) (noting that the weight of authority permits recovery of fees for preparation time in connection with a deposition under Rule 26(b)(4)(C)); Magee v. Paul Revere Life Ins. Co., 172 F.R.D. 627, 647 (E.D.N.Y. 1997) (holding that "Rule 26(b)(4)(C) encompasses a reasonable fee for time spent by an expert preparing for deposition"); McHale v. Westcott, 893 F. Supp. 143, 151 (N.D.N.Y. 1995) (permitting compensation for time spent preparing for deposition); it is hereby

ORDERED that Plaintiff's expert witness travel expense be paid by the Defendant and; it is further



ORDERED that Defendant's expert witness travel expenses be paid by the Plaintiff; and it is further

ORDERED, that the pretrial order in this case is due on October 24, 2005 at 1.00 p.m.; and it is further

ORDERED, that the trial will commence on November 8, 2005 at 9.30 a.m.

**IT IS SO ORDERED**

**New York, New York**

September 1, 2005



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U.S.D.J.